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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,017	04/26/2001	Shoji Suzuki	1081.1117	7053

21171 7590 01/26/2005

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EXAMINER

SAX, STEVEN PAUL

ART UNIT PAPER NUMBER

2174

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/842,017

**Applicant(s)**

SUZUKI, SHOJI

**Examiner**

Steven P Sax

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This application has been examined. The RCE and amendment filed 11/1/04 have been entered. Per applicant request, claim 1 has been cancelled.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al (6337712) and Ueda et al (6429923).

4. Regarding claim 8, Shiota et al show the data processing service system for a digital camera, including: interface means for reading photographed image data stored in a memory of the digital camera (Figures 1-2, column 2 lines 30-47, column 3 lines 45-55, column 4 lines 43-53), controller means for preserving photographed image data to a storage medium accessible by a user (column 2 lines 60-67, column 3 lines 1-5 and 55-65, column 5 lines 40-60), wherein the interface means identifies a type of digital camera by reading pre-stored information in a memory of the digital camera (column 3 lines 40-45, column 5 lines 10-39), selects a reading method corresponding to the identified type of digital camera and reads the photographed image data accordingly

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(column 5 lines 30-59). Shiota et al do not specifically show that the interface is a single means which performs the identifying, selecting, and reading steps all at the single means, but do mention efficient processing of photographic image data by a user. Furthermore, Ueda et al do have a single means processing system which, at a single means interface performs steps of identifying information relating to photographic processing, selecting a processing method accordingly, and processing accordingly (Figure 8, column 2 lines 22-45, column 8 lines 25-55, column 9 lines 20-40, column 47 lines 35-60) for efficient processing of photographic image data by a user. It would have been obvious to a person with ordinary skill in the art to have the identifying, selecting, and reading steps in Shiota et al performed by a single means interface, because it would allow efficient processing of photographic image data by a user.

5. Regarding claim 15, in addition to that mentioned for claim 8, Shiota et al read ID data to determine the reading data (column 5 lines 10-39).

6. Regarding claim 16, in addition to that mentioned for claim 15, Shiota et al do not specifically show that the ID data is used to determine whether a transfer service is to be charged for preserving data, wherein it is charged when ID data does not match an ID corresponding to the digital camera, but do mention using ID data for proper processing of photographic image data. Furthermore, Ueda et al show using ID data at the store to determine whether a transfer service is to be charged, based on matching characteristics (column 2 lines 40-63, column 12 lines 20-53) for proper processing of

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photographic image data. It would have been obvious to a person with ordinary skill in the art to have ID data used in Shiota et al to determine whether a transfer service is to be charged for preserving data, wherein it is charged when ID data does not match an ID corresponding to the digital camera, for proper processing of photographic image data.

7. Regarding claim 17, in addition to that mentioned for claim 16, the type of digital camera is identified (Shiota et al column 5 lines 10-39). Thus the ID data relates to the type of digital camera, and this is what is compared to determine if there is a charge.

8. Claim 18 shows the same features as claim 15 and is rejected for the same reasons.

9. Regarding claim 19, in addition to that mentioned for claim 18, Shiota et al do not specifically show that the ID data is used to determine whether a transfer service is to be charged for preserving data, but do mention using ID data for proper processing of photographic image data. Furthermore, Ueda et al show using ID data at the store to determine whether a transfer service is to be charged, based on matching characteristics (column 2 lines 40-63, column 12 lines 20-53) for proper processing of photographic image data. It would have been obvious to a person with ordinary skill in the art to have ID data used in Shiota et al to determine whether a transfer service is to be charged for preserving data, for proper processing of photographic image data.

10. Regarding claim 20, in addition to that mentioned for claim 19, the type of digital camera is identified (Shiota et al column 5 lines 10-39). Thus the ID data relates to the type of digital camera, and this is what is compared to determine if there is a charge.

11. Claim 21 shows the same features as claim 8 and is rejected for the same reasons.

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Steve', with a stylized flourish extending from the end.

**STEVEN SAX  
PRIMARY EXAMINER**